

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	Case No. 14-16613
)	
Kenneth J. Wolenski, Jr.,)	Chief Judge Pat E. Morgenstern-Clarren
)	
Debtor.)	Chapter 7 Case
)	
David O. Simon, Chapter 7 Trustee)	Adversary No.
1370 Ontario Street, Suite 450)	
Cleveland, OH 44113-1744,)	
)	
Plaintiff,)	
)	
-vs-)	
)	
Lending Club Corporation)	
71 Stevenson Street, Suite 300)	
San Francisco, CA 94105)	
ATTN: Renaud Laplanche, CEO,)	
)	
Defendant.)	

COMPLAINT TO AVOID AND RECOVER PREFERENTIAL TRANSFERS

Now comes David O. Simon, Chapter 7 Trustee (“Plaintiff”), and for his complaint herein states as follows:

1. Jurisdiction of this Court over this adversary proceeding is based upon 28 U.S.C. §§1334(b), 157(a) and 157(b) and, in this District, upon General Order No. 2012-7 entered in the United States District Court for the Northern District of Ohio on April 4, 2012, in that this action arises in the bankruptcy case of Kenneth J. Wolenski, Jr., debtor, filed on October 17, 2014, as a case under Chapter 7 of the Bankruptcy Code and identified as Case No. 14-16613 presently pending before this Court.

2. This adversary proceeding is a core proceeding as that term is defined in 28 U.S.C. §157(b)(2)(F).

3. The Plaintiff, David O. Simon, Chapter 7 Trustee, is the duly appointed, qualified and acting trustee of the estate of the debtor, Kenneth J. Wolenski, Jr.

4. Prior to the commencement of this bankruptcy case, the debtor transferred to the defendant the aggregate amount of \$1,468.35 in payment of an obligation owed by the debtor to the defendant.

5. The transfers were made by the debtor to the defendant on account of an antecedent unsecured debt, at a time when the debtor was insolvent and within ninety (90) days of the filing of the petition in this bankruptcy case.

6. The transfers enabled the defendant to receive more than it would have received as a creditor pursuant to the distributive provisions of Chapter 7 of the Bankruptcy Code.

7. As a result of the foregoing, the transfers are avoidable pursuant to the provisions of §547(b) of the Bankruptcy Code and are recoverable from defendant pursuant to the provisions of §550(a) of the Bankruptcy Code.

WHEREFORE, Plaintiff prays judgment against defendant avoiding the transfers set forth herein pursuant to the provisions of §547(b) of the Bankruptcy Code and ordering the defendant to pay Plaintiff, pursuant to the provisions of §550(a) of the Bankruptcy Code, the aggregate amount of \$1,468.35, together with interest as provided by law and costs.

/s/ David O. Simon

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